

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE APRIL 6, 2006

AMENDED IN SENATE MARCH 29, 2006

SENATE BILL

No. 1712

Introduced by Senator Migden
(Coauthor: Assembly Member Bass)

February 24, 2006

An act to add Section 16124 to the Welfare and Institutions Code, relating to adoption, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1712, as amended, Migden. Adoption of hard-to-place ~~teens~~ *children and youth*.

Existing law provides for the Adoption Assistance Program, to be established and administered by the State Department of Social Services or the county, for the purpose of benefitting children residing in foster homes by providing the stability and security of permanent homes. The program provides for the payment by the department and counties; of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

~~This bill would require the State Department of Social Services to establish 3-year pilot projects in 4 counties, including San Francisco and Los Angeles Counties, and would provide funding to those counties, to provide enhanced Adoption Assistance Program payments~~

~~and postadoption services to ensure the successful adoption of hard-to-place foster children who are at least 11 years of age, but not yet 18 years of age, and who are members of sibling groups, or have a mental, physical, emotional, or medical disability. The bill would require participating counties to submit progress reports to the department, and would require the department to report to the Legislature regarding the effectiveness of the program. This bill would encourage the participating counties to create public-private partnerships with private adoption agencies to maximize success in improving permanency outcomes for older foster children, and would require the counties to provide matching funds for purposes of the pilot project, as specified. The bill would appropriate the sum of \$4,000,000 to the department for these purposes. The bill would include a statement of legislative findings and declarations.~~

This bill, upon appropriation by the Legislature of funds for this purpose, would require the State Department of Social Services to establish a 3-year project in 4 counties, including San Francisco and Los Angeles Counties, and one state district office, and would provide that funding to those counties from appropriations in the annual Budget Act would be used to provide funding for preadoption and postadoption services to ensure the successful adoption of a targeted population of children who have been in foster care 18 months or more. The bill would require the department to work with counties to develop requirements for the project, and to provide information on the results of the project to the Legislature, by November 30, 2010. This bill would encourage the participating counties to create public-private partnerships with private adoption agencies to maximize success in improving permanency outcomes for older foster children. To the extent that it places new requirements on participating counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. Fiscal committee:
yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 16124 is added to the Welfare and
2 Institutions Code, to read:
3 16124. (a) (1) Upon the appropriation of funds by the
4 Legislature for the purposes set forth in this section, the State
5 Department of Social Services shall establish a project in four
6 counties and one state district office of the department to provide
7 preadoption and postadoption services to ensure the successful
8 adoption of children and youth who have been in foster care 18
9 months or more, are at least nine years of age, and are placed in
10 an unrelated foster home or in a group home.
11 (2) The participating entities shall include the following:
12 (A) City and County of San Francisco.
13 (B) County of Los Angeles.
14 (C) Two additional counties and one state district office, based
15 on criteria developed by the department in consultation with the
16 County Welfare Directors Association, which shall demonstrate
17 geographic diversity.
18 (3) A county that elects to apply for funding pursuant to this
19 section shall submit an application to the department no later
20 than a date determined by the department to ensure timely
21 allocation of funds. The department shall review the applications
22 received, and select the eligible counties in accordance with this
23 section.
24 (b) Each entity identified pursuant to paragraph (2) of
25 subdivision (a) shall receive funding to provide preadoption and
26 postadoption services to the adoptive parents and the targeted
27 population identified in paragraph (1) of subdivision (a).
28 (1) Preadoption and postadoption services for the child and
29 each family may include, but shall not be limited to, all of the
30 following:
31 (A) Individualized or other recruitment efforts.
32 (B) Postadoption services, including respite care.
33 (C) Behavioral health services.
34 (D) Peer support groups.
35 (E) Information and referral services.

1 (F) *Other locally designed services, as appropriate.*

2 (G) *Relative search efforts.*

3 (H) *Training of adoptive parents, foster youth, or mentoring*
4 *families.*

5 (I) *Mediation services.*

6 (J) *Facilitation of siblings in the same placement.*

7 (K) *Facilitation of postadoption contact.*

8 (L) *Engaging youth in permanency decisionmaking.*

9 (M) *Any service or support necessary to resolve any identified*
10 *barrier to adoption.*

11 (2) *The services specified in paragraph (1) may be provided*
12 *directly by the county, contracted for by the county, or provided*
13 *through reimbursement to the family, as approved by the county.*

14 (c) *The amount of funding provided in the appropriation of*
15 *funds provided by the annual Budget Act to each county*
16 *participating in the project shall be allocated as follows:*

17 (1) *Seven hundred fifty thousand dollars (\$750,000) to the City*
18 *and County of San Francisco.*

19 (2) *One million two hundred fifty thousand dollars*
20 *(\$1,250,000) to the County of Los Angeles.*

21 (3) *A total of two million dollars (\$2,000,000), to be awarded*
22 *to the two additional counties and the district office selected*
23 *pursuant to subparagraph (C) of paragraph (3) of subdivision*
24 *(a), minus any funds subtracted by the department for the*
25 *purpose of administering the project. The amount of funds*
26 *provided to the department for administration of the project,*
27 *including the costs of collecting and analyzing data pursuant to*
28 *subdivision (h) and developing the information pursuant to*
29 *subdivision (i), shall not exceed three hundred thousand dollars*
30 *(\$300,000).*

31 (4) *If the appropriated amount in the annual Budget Act*
32 *differs from the total amount specified above, then the funds shall*
33 *be distributed in the same proportion as the amounts listed in*
34 *paragraphs (1) to (3), inclusive.*

35 (d) *Funds shall be allocated to the counties pursuant to*
36 *subdivision (c) no later than January 1 of each year, and shall*
37 *remain available for expenditure for three years.*

38 (e) (1) *The department shall seek approval for any federal*
39 *matching funds that may be available to supplement the project.*

1 (2) *The implementation of the project shall not be dependent*
2 *upon the receipt of federal funding.*

3 (3) *Project funds shall supplement, and not supplant, existing*
4 *federal, state, and local funds, and shall be used only in*
5 *accordance with the terms and conditions of the project.*

6 (4) *No expenditure made for services specified in subdivision*
7 *(b) may be made to the extent that it renders the family ineligible*
8 *for federal adoption assistance.*

9 (f) *The project shall be implemented only upon the adoption of*
10 *a resolution adopted by each county board of supervisors.*

11 (g) *The department shall work with the counties to develop the*
12 *requirements for the project, including the number of families*
13 *that may participate in the project, given the available resources,*
14 *and guidelines for data collection, as required by subdivision (h).*

15 (h) (1) *The department shall work with the participating*
16 *county and the state district office to analyze the effects of the*
17 *project.*

18 (2) *Measures assessed by the state and counties shall include,*
19 *but shall not be limited to, the following:*

20 (A) *The extent to which the adoptions of the targeted*
21 *population identified in paragraph (1) of subdivision (a)*
22 *increased as a result of the project.*

23 (B) *The number of families and children served by the project.*

24 (C) *The type and amount of preadoption and postadoption*
25 *services that were provided to children and families under the*
26 *project.*

27 (i) *The department shall provide information to the*
28 *Legislature on the results of the project by November 30, 2010.*

29 (j) *Adoption programs in the project counties shall be*
30 *encouraged to create public-private partnerships with private*
31 *adoption agencies to maximize their success in improving*
32 *permanent outcomes for older foster youth.*

33 SEC. 2. *If the Commission on State Mandates determines that*
34 *this act contains costs mandated by the state, reimbursement to*
35 *local agencies and school districts for those costs shall be made*
36 *pursuant to Part 7 (commencing with Section 17500) of Division*
37 *4 of Title 2 of the Government Code.*

38 ~~SECTION 1. The Legislature finds and declares all of the~~
39 ~~following:~~

~~(a) Older foster children are emancipating out of the system without ever being adopted into a family that loves, nurtures, protects, and guides them. Over 80 percent of adoptions of foster children through the Adoption Assistance Program involve foster children under 11 years of age. Moreover, each additional year of age at first placement in foster care correlates to a 12-percent drop in the odds of permanence being achieved for a child.~~

~~(b) Older foster youth are more likely to have many special needs. Cumulative experiences of exposure to drugs or alcohol prior to birth, subsequent child maltreatment, and numerous foster care placements combine and bring on intense mental health crises or significant behavioral or learning problems. Mental health services are often necessary. This need can be mitigated by postadoption services.~~

~~(c) Mental health experts recognize the significance and power of sibling relationships. Separating siblings in foster care or through adoption adds to their emotional burden. When sibling ties are severed, the impact can last a lifetime.~~

~~(d) Youth who leave the foster care system are often ill prepared for what follows. About one-fourth of former foster youth will be incarcerated within the first two years after they leave the system. Approximately one-third of former foster youth will be on public assistance shortly after aging out of the system. An estimated 10 percent of the young women emancipating from foster care in California are parents. Nearly a third of foster youth will become homeless within the first year after they leave the system at 18 years of age.~~

~~(e) Respite care services are lacking for adoptive parents of children with special needs. California does not provide respite care to families who have adopted children, whereas 19 other states do.~~

~~(f) While most adoptions have positive outcomes for the children and their families, many adoptive families require supportive services during or after the adoption. The State of California recognizes this need and shall conduct a demonstration project for the purpose of increasing the number of successful finalized adoptions of hard-to-place foster youth between 11 and 18 years of age.~~

~~SEC. 2. Section 16124 is added to the Welfare and Institutions Code, to read:~~

1 ~~16124. (a) (1) Upon the appropriation of funds by the~~
2 ~~Legislature for the purposes set forth in this section, the~~
3 ~~Department of Social Services shall establish three-year pilot~~
4 ~~projects in four counties, with the agreement of each county, to~~
5 ~~provide postadoption services to ensure the successful adoptions~~
6 ~~of “hard-to-place” children in foster care who are at least 11~~
7 ~~years of age, but not yet 18 years of age, according to criteria~~
8 ~~developed by the department pursuant to this section.~~

9 ~~(2) For purposes of this section, “hard-to-place” refers to a~~
10 ~~foster youth who meets either of the following criteria:~~

11 ~~(A) He or she has a mental, physical, emotional, or medical~~
12 ~~disability that has been certified by a licensed professional who is~~
13 ~~competent to make that assessment and who is operating within~~
14 ~~the scope of his or her profession. This shall also include a child~~
15 ~~who has a developmental disability, as defined in subdivision (a)~~
16 ~~of Section 4512, including those determined to require~~
17 ~~out-of-home nonmedical care, as described in Section 11464.~~

18 ~~(B) He or she is a member of a sibling group.~~

19 ~~(3) The four counties shall include the following:~~

20 ~~(A) City and County of San Francisco.~~

21 ~~(B) County of Los Angeles.~~

22 ~~(C) Two other counties to be selected by the department~~
23 ~~pursuant to a competitive process.~~

24 ~~(4) A county that elects to apply for funding pursuant to this~~
25 ~~section shall submit an application from the department no later~~
26 ~~than a date determined by the department to ensure timely~~
27 ~~allocation of funds. The department shall review the applications~~
28 ~~received, and select the eligible counties in accordance with this~~
29 ~~section.~~

30 ~~(b) The department shall ensure that each county participating~~
31 ~~in the pilot project provides enhanced services, including all of~~
32 ~~the following:~~

33 ~~(1) Two enhanced Adoption Assistance Program payments, of~~
34 ~~up to two thousand dollars (\$2,000) each, as necessary, to~~
35 ~~adoptive families of hard-to-place children in order to address the~~
36 ~~special needs of these children. The first payment shall be made~~
37 ~~to the adoptive family at the time the adoption is finalized, and~~
38 ~~the second payment shall be made at the end of the second year~~
39 ~~of permanency, in order to help stabilize the needs of the child~~

1 and family during the early stage of the adoptive placement to
2 ensure successful permanent adoption beyond this stage.

3 (2) ~~Postadoption services for adoptive families, including, but~~
4 ~~not limited to, all of the following, as appropriate for each~~
5 ~~family:~~

6 (A) ~~Consistent, ongoing case management services.~~

7 (B) ~~Respite care.~~

8 (C) ~~Adoption sensitive behavioral health services.~~

9 (D) ~~Peer support groups.~~

10 (E) ~~Information and referral services.~~

11 (3) ~~The postadoption services specified in paragraph (2) may~~
12 ~~be provided directly by the county, contracted for by the county,~~
13 ~~or provided through reimbursement to the family, as approved by~~
14 ~~the county.~~

15 (e) ~~The amount of funding provided to each county~~
16 ~~participating in the pilot project shall be as follows:~~

17 (1) ~~Seven hundred fifty thousand dollars (\$750,000) to the~~
18 ~~City and County of San Francisco.~~

19 (2) ~~One million two hundred fifty thousand dollars~~
20 ~~(\$1,250,000) to the County of Los Angeles.~~

21 (3) ~~A total of two million dollars (\$2,000,000), to be awarded~~
22 ~~to the two additional counties selected pursuant to subparagraph~~
23 ~~(C) of paragraph (3) of subdivision (a), except that the~~
24 ~~department may deduct from this amount any funds necessary for~~
25 ~~its use in administering this section.~~

26 (d) ~~Funds shall be allocated to the counties pursuant to~~
27 ~~subdivision (e) no later than June 1, 2007, and shall be made~~
28 ~~available for expenditure, as determined by the department, until~~
29 ~~June 30, 2010.~~

30 (e) (1) ~~The department shall seek approval for federal~~
31 ~~matching funds for the purpose of providing enhanced Adoption~~
32 ~~Assistance payments and postadoption services as provided for in~~
33 ~~this section.~~

34 (2) ~~Each county participating in the pilot project provided for~~
35 ~~in this section shall provide matching funds in an amount equal~~
36 ~~to 25 percent of the total amount allocated to the county by the~~
37 ~~department for the pilot project.~~

38 (3) ~~Pilot project funds shall supplement, and not supplant,~~
39 ~~existing federal, state, and local funds, and shall be used only in~~
40 ~~accordance with the terms and conditions of the pilot project.~~

1 ~~(f) Each pilot project shall be implemented only upon the~~
2 ~~adoption of a resolution adopted by the county board of~~
3 ~~supervisors.~~

4 ~~(g) The department shall work with the counties to develop~~
5 ~~criteria and requirements for the pilot project, including~~
6 ~~guidelines for the enhanced Adoption Assistance Program~~
7 ~~payments and postadoption services provided for pursuant to~~
8 ~~subdivision (b), the number of families that may participate in the~~
9 ~~pilot project, given the available resources, and guidelines for~~
10 ~~data collection, as required by subdivision (i).~~

11 ~~(h) The department shall work with the four pilot project~~
12 ~~counties to develop and analyze data regarding the effects of the~~
13 ~~pilot projects, including, but not limited to, the extent to which~~
14 ~~the adoptions of youth who are at least 11 years of age, but not~~
15 ~~yet 18 years of age, who are in sibling groups, or have a mental,~~
16 ~~physical, emotional, or medical disability, increase as a result of~~
17 ~~the pilot project. In developing and analyzing the data, the~~
18 ~~department may consult with the Child Welfare Research Center~~
19 ~~at the University of California, Berkeley, or other appropriate~~
20 ~~research organizations.~~

21 ~~(i) Not later than July 1, 2009, each participating county shall~~
22 ~~submit a progress report to the department assessing the~~
23 ~~effectiveness of that county in achieving the goal of increasing~~
24 ~~the number of permanent adoptions of hard-to-place foster youth~~
25 ~~who are at least 11 years of age, but not yet 18 years of age, by~~
26 ~~_____ percent over the number of adoptions of this category of~~
27 ~~children prior to implementation of the pilot project. The report~~
28 ~~shall include all of the following information:~~

29 ~~(1) The number of children in families who were served by the~~
30 ~~pilot project.~~

31 ~~(2) The number of families receiving the enhanced Adoption~~
32 ~~Assistance Program payments specified in paragraph (1) of~~
33 ~~subdivision (b), and the amount of each of these payments.~~

34 ~~(3) The postadoption services that were provided to children~~
35 ~~and families under the pilot project.~~

36 ~~(4) The cost of providing each of the postadoption services,~~
37 ~~and the number of hours of these services each family receives.~~

38 ~~(5) The number of adoptions that were finalized and the~~
39 ~~number of finalized adoptions that were disrupted.~~

~~(6) Problems encountered in the design and operation of the pilot project, including identification of any federal, state, or local statute, regulation, or ordinance that impeded program implementation.~~

~~(7) Family and child satisfaction.~~

~~(8) Whether the number of adoptions of hard-to-place foster youth increased by _____ percent over the number of similar adoptions prior to implementation of the pilot project.~~

~~(j) The department shall submit to the Legislature a preliminary report on the pilot project by January 1, 2010, that shall include the cost of delivering services for the program for each pilot project county and for each child and family served. The department shall submit to the Legislature a final report on the pilot project by November 30, 2010, that shall additionally include an evaluation of the effectiveness of the program.~~

~~(k) Adoption programs in the pilot project counties shall be encouraged to create public-private partnerships with private adoption agencies to maximize their success in improving permanent outcomes for older foster youth.~~

~~SEC. 3. The sum of four million dollars (\$4,000,000) is hereby appropriated from the General Fund for allocation to the Department of Social Services for the purposes set forth in Section 16124 of the Welfare and Institutions Code.~~